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10/719,111	11/21/2003	James E. Darnton	US20020289	1912
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EXAMINER				
HENRY, RODNEY M				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/719,111

**Applicant(s)**

DARNTON ET AL.

**Examiner**

RODNEY M. HENRY

**Art Unit**

4127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-25, as originally filed, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**2. Claims 1, 2, 3, 6, 8, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakaguchi (US 2002/0120502)**

**As per claim 1**, Sakaguchi discloses a method of creating a sponsored appliance (See Abstract, which discusses a network system and home appliance connected to a network to effectively utilize data) comprising the steps of:

- a. creating a sponsored relationship between an appliance sponsor and an appliance seller (See page 3, paragraph [0037], which discusses the marketing company 500 (appliance sponsor) paying the service center 200 advertising fees, and the manufacturing company 600 contracting with service center 200).
- b. incorporating sponsorship material into the appliance (See page 4, paragraph [0059], which discusses service center 200 receiving information to replenish a product or a display for a popular product such as a cooking recipe).
- c. providing the sponsored appliance with purchase incentive as a result of the sponsorship (See page 1, paragraph [0015], which discusses the home appliance user

being compensated commensurate with the power consumption of the home appliance).

**As per claim 2**, Sakaguchi discloses the sponsorship material comprises at least one of the following:  
printed advertisement or healthy habits message (See page 1, paragraph [0012], which discusses the home appliance having a receiving system that receives advertising information and sales promotion information, pages 4,5, paragraph [0067] discusses a message prompting the user not to forget about products in the refrigerator).

**As per claim 3**, Sakaguchi discloses the step of providing a predetermined location for the sponsorship material (See page 5, paragraph [0075], which discusses a display disposed to the refrigerator 100 to present the advertising information).

**As per claim 6**, Sakaguchi discloses the sponsored appliance is a refrigerator (See page 3, paragraph [0040], which discusses a refrigerator).

**As per claim 8**, Sakaguchi discloses a method of creating a sponsored appliance (See Abstract, which discusses a network system and home appliance connected to a network to effectively utilize data) comprising the steps of:  
a. creating a sponsored relationship between an appliance sponsor and an appliance seller (See page 3, paragraph [0037], which discusses the marketing company 500 (appliance sponsor) paying the service center 200 advertising fees, and the manufacturing company 600 contracting with service center 200).

- b. providing a consumer with sponsorship material configured to be placed in the appliance (See page 4, paragraph [0059], which discusses service center 200 receiving information to replenish a product).
- c. providing the sponsored appliance with purchase incentive to accept the sponsorship material (See page 1, paragraph [0015], which discusses the home appliance user being compensated commensurate with the power consumption of the home appliance).

**As per claim 13**, Sakaguchi discloses the step of providing the consumer with an incentive to accept the sponsorship material comprises providing the consumer with purchase incentive (See page 1, paragraph [0015], which discusses the home appliance user being compensated commensurate with the power consumption of the home appliance).

**As per claim 14**, Sakaguchi discloses the purchase incentive comprises a direct or indirect incentive (See page 1, paragraph [0015], which discusses the home appliance user being compensated commensurate with the power consumption of the home appliance). This is an indirect incentive.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi (US 2002/0120502), in view of Sone (US 6,204,763).**

**As per claim 4**, Sakaguchi discloses the elements of the claimed invention, but fails to explicitly disclose the predetermined location is configured to accommodate only the product packaged by the sponsor.

Sone teaches a household consumable item automatic replenishment system including intelligent refrigerator having the predetermined location is configured to accommodate only the product packaged by the sponsor (See column 8, lines 45-47, which discusses the labeling of each location with the household consumable item , and column 9, lines 16-17 discusses the vendor restocking the milk).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Sakaguchi to include the predetermined location is configured to accommodate only the product packaged by the sponsor as taught by Sone in order to provide proper restocking of items by the user and by the vendor.

**As per claim 5**, Sakaguchi discloses the elements of the claimed invention, but fails to explicitly disclose the sponsorship material is configured to be interchangeable in one or more predetermined locations in the appliance.

Sone teaches a household consumable item automatic replenishment system including intelligent refrigerator having the sponsorship material is configured to be interchangeable in one or more predetermined locations in the appliance (See column

6, lines 21-24, which discusses two interchangeable sections for butter and milk as shown in FIG. 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Sakaguchi to include the sponsorship material is configured to be interchangeable in one or more predetermined locations in the appliance as taught by Sone in order to provide proper flexibility of restocking of items by the user and by the vendor, and for the cases when excess of these items may be needed.

**5. Claims 7, 9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi (US 2002/0120502), in view of Baker et al. (5,437,503).**

**As per claim 7**, Sakaguchi discloses the elements of the claimed invention, but fails to explicitly disclose the step of incorporating modules which cooperate with a particular packaging design of the sponsor into the appliance.

Baker et al. teaches modular storage drawer assembly for use in a refrigerator having modules which cooperate with a particular packaging design of the sponsor into the appliance (See column 2, lines 27-30, which discusses the movable shelves or bins 15 on the inside of the door as shown in FIG. 1, which provide for storing additional items).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Sakaguchi to include modules which cooperate with a particular packaging design of the sponsor into the appliance as

taught by Baker et al. in order to accommodate the changing packaging needs of manufacturers or the changing bulk size purchases of the user.

**As per claim 9**, Sakaguchi discloses the sponsorship material comprises at least an advertisement or healthy habits message (See page 1, paragraph [0012], which discusses the home appliance having a receiving system that receives advertising information and sales promotion information, pages 4,5, paragraph [0067] discusses a message prompting the user not to forget about products in the refrigerator).

**As per claim 11**, Sakaguchi discloses the elements of the claimed invention, but fails to explicitly disclose the sponsored material is configured to be placed in the appliance at a location desired by the consumers to allow the consumer to customize the location of items within the appliance.

Baker et al. teaches modular storage drawer assembly for use in a refrigerator having the sponsored material is configured to be placed in the appliance at a location desired by the consumers to allow the consumer to customize the location of items within the appliance (See column 2, lines 27-30, which discusses the movable shelves or bins 15 on the inside of the door as shown in FIG. 1, which provide for storing additional items).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Sakaguchi to include the sponsored material is configured to be placed in the appliance at a location desired by the consumers to allow the consumer to customize the location of items within the



appliance as taught by Baker et al. in order to accommodate the changing packaging of manufacturers and the desired locations of the consumer.

**As per claim 12**, Sakaguchi discloses the sponsored appliance is a refrigerator (See page 3, paragraph [0040], which discusses a refrigerator).

**6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi (US 2002/0120502), in view of Baker et al. (5,437,503), and Sone (US 6,204,763).**

**As per claim 10**, The Sakaguchi and Baker et al. combination discloses the elements of the claimed invention, but fails to explicitly disclose the sponsored material is configured to placed in a predetermined location in the appliance.

Sone teaches a household consumable item automatic replenishment system including intelligent refrigerator having the sponsored material is configured to placed in a predetermined location in the appliance (See column 8, lines 45-47, which discusses the labeling of each location with the household consumable item).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Sakaguchi and Baker et al. combination to include the sponsored material is configured to placed in a predetermined location in the appliance as taught by Sone in order to provide proper restocking of items by the user and by the vendor.

**7. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (US 2002/0157411), in view of Sakaguchi (US 2002/0120502).**

**As per claim 15**, Ishikawa et al. discloses a method of sponsoring a healthy refrigerator (See page 9, paragraph [0172], which discusses refrigerator 31 giving advice on the nourishment and health of the family on the basis of the mode of consumption of food packages 22 in the past several months)

b. incorporating a healthy habits message sponsored by the refrigerator sponsor into the refrigerator (See page 9, paragraph [0157], which discusses nutriments information, repellents (allergy or invalid diet ) information), whereby, a consumer is reminded of the healthy habits with every use of the refrigerator (See page 7, paragraph [0123], which discusses the display device 14 displaying information about the foods contained in the database 15a, which allows the consumer to know information about foods in the refrigerator without opening the refrigerator), but fails to disclose the steps of:

a. creating a sponsored relationship between an refrigerator sponsor and a refrigerator seller.

Sakaguchi teaches a household appliance network system, household appliance control method using a network, computer program product achieving the control method, and a computer-readable data storage medium having:

a. creating a sponsored relationship between an refrigerator sponsor and an refrigerator seller (See page 3, paragraph [0037], which discusses the marketing company 500

(appliance/refrigerator sponsor) paying the service center 200 advertising fees, and the manufacturing company 600 contracting with service center 200 (refrigerator seller)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ishikawa et al to include

- a. creating a sponsored relationship between an refrigerator sponsor and a refrigerator seller as taught by Sakaguchi et al. in order to
- a. provide consumers with selections of their choices as well as incentives from the sponsor and or seller.

**As per claim 16**, Ishikawa et al. discloses the elements of the claimed invention but fails to explicitly disclose the step of providing the refrigerator with purchase incentive as a result of the sponsorship.

Sakaguchi teaches a household appliance network system, household appliance control method using a network, computer program product achieving the control method, and a computer-readable data storage medium having the step of providing the refrigerator with purchase incentive as a result of the sponsorship (See page 1, paragraph [0015], which discusses the home appliance user being compensated commensurate with the power consumption of the home appliance).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ishikawa et al to include the step of providing the refrigerator with purchase incentive as a result of the sponsorship as taught by Sakaguchi in order to provide consumers with selections of their choices as well as incentives from the sponsor and or seller.

**As per claim 17**, Ishikawa et al. discloses the elements of the claimed invention but fails to explicitly disclose the purchase incentive comprises a direct or an indirect incentive.

Sakaguchi teaches a household appliance network system, household appliance control method using a network, computer program product achieving the control method, and a computer-readable data storage medium having the step of providing the refrigerator with purchase incentive as a result of the sponsorship (See page 1, paragraph [0015], which discusses the home appliance user being compensated commensurate with the power consumption of the home appliance). This is an indirect incentive.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ishikawa et al to include the step of providing the refrigerator with purchase incentive as a result of the sponsorship as taught by Sakaguchi in order to provide consumers with selections of their choices as well as incentives from the sponsor and or seller.

**As per claim 18**, Ishikawa et al discloses the healthy habits message is configured to be placed in the refrigerator at a location desired by consumers (See pages 6,7, paragraph [0120], which discusses display device 14 being place able in the front, side or near the refrigerator 31, which gives the consumer choice of their desired location).

**As per claim 19**, Ishikawa et al discloses the healthy habits message is configured to be placed in a predetermined location in the refrigerator (See pages 6,7, paragraph [0120], which discusses display device 14 being place able in the front, or side of the refrigerator 31 as shown in FIG. 5).

**As per claim 20**, Ishikawa et al discloses the healthy habits message is configured to be placed in a predetermined location is on the side of the refrigerator at about eye-level for allowing easy visibility to the consumer (See pages 6,7, paragraph [0120], which discusses display device 14 being place able in the front or side of the refrigerator 31, at about eye-level, as shown in FIG. 5).

**8. Claims 21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (US 2002/0157411), in view of Sakaguchi (US 2002/0120502), and Mandel (US 6,932,450).**

**As per claim 21**, Ishikawa et al. discloses a method of sponsoring a healthy refrigerator (See page 9, paragraph [0172], which discusses refrigerator 31 giving advice on the nourishment and health of the family on the basis of the mode of consumption of food packages 22 in the past several months), but fails to disclose the steps of:

- a. creating a sponsored relationship between an refrigerator sponsor and a refrigerator seller.
  - b. designing the refrigerator for allowing healthy foods to be more easily seen and accessed;
- whereby, a consumer is reminded to eat healthy foods with every use of the refrigerator.

Sakaguchi teaches a household appliance network system, household appliance control method using a network, computer program product achieving the control method, and a computer-readable data storage medium having:

a. creating a sponsored relationship between an refrigerator sponsor and an refrigerator seller (See page 3, paragraph [0037], which discusses the marketing company 500 (appliance/refrigerator sponsor) paying the service center 200 advertising fees, and the manufacturing company 600 contracting with service center 200 (refrigerator seller)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ishikawa et al to include

a. creating a sponsored relationship between an refrigerator sponsor and a refrigerator seller as taught by Sakaguchi et al. in order to  
a. provide consumers with selections of their choices as well as incentives from the sponsor and or seller.

Mandel teaches a refrigerator contents viewing system having a design that allows healthy foods to be more easily seen and accessed (See column 2, lines 35-41, which discusses contents viewing system 30 which is mounted on the rear section of shelf 20 and 21);  
whereby, a consumer is reminded to eat healthy foods with every use of the refrigerator.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ishikawa et al to include

a design that allows healthy foods to be more easily seen and accessed as taught by Mandel in order to remind a consumer of the availability of healthy selections with every use of the refrigerator and to make the healthy choices easily accessible to them.

**As per claim 23**, The Ishikawa et al., Sakaguchi, and Mandel combination discloses the elements of the claimed invention, but fails to explicitly disclose the step of providing the refrigerator with purchase incentive as a result of the sponsorship.

Sakaguchi teaches a household appliance network system, household appliance control method using a network, computer program product achieving the control method, and a computer-readable data storage medium having the step of providing the refrigerator with purchase incentive as a result of the sponsorship (See page 1, paragraph [0015], which discusses the home appliance user being compensated commensurate with the power consumption of the home appliance).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of the Ishikawa et al., Sakaguchi, and Mandel combination to include the step of providing the refrigerator with purchase incentive as a result of the sponsorship as taught by Sakaguchi in order to encourage consumers to support a specific group of manufacturers and sponsors.

**9. Claims 22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (US 2002/0157411), in view of Sakaguchi (US 2002/0120502), and Mandel (US 6,932,450), and Baker et al. (5,437,503).**

**As per claim 22,** The Ishikawa et al., Sakaguchi, and Mandel combination discloses the elements of the claimed invention, but fails to explicitly disclose the step of incorporating modules which cooperate with a particular packaging design of the sponsor into the appliance.

Baker et al. teaches modular storage drawer assembly for use in a refrigerator having modules which cooperate with a particular packaging design of the sponsor into the appliance (See column 2, lines 27-30, which discusses the movable shelves or bins 15 on the inside of the door as shown in FIG. 1, which provide for storing additional items).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of the Ishikawa et al., Sakaguchi, and Mandel combination to include modules which cooperate with a particular packaging design of the sponsor into the appliance as taught by Baker et al. in order to accommodate the changing packaging needs of manufacturers or the changing bulk size purchases of the user.

**As per claim 24,** The Ishikawa et al., Sakaguchi, and Mandel combination discloses the elements of the claimed invention, but fails to explicitly disclose the modules are configured to house healthy foods and are designed to be positioned in the refrigerator in a place easily seen and accessed by a consumer.



Mandel teaches a refrigerator contents viewing system having the modules are configured to house healthy foods and are designed to be positioned in the refrigerator in a place easily seen and accessed by a consumer (See column 2, lines 35-41, which discusses contents viewing system 30 which is mounted on the rear section of shelf 20 and 21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Ishikawa et al., Sakaguchi, and Mandel combination to include the modules are configured to house healthy foods and are designed to be positioned in the refrigerator in a place easily seen and accessed by a consumer as taught by Mandel in order to remind a consumer of the availability of healthy selections with every use of the refrigerator and to make the healthy choices easily accessible to them.

**As per claim 25**, The Ishikawa et al., Sakaguchi, and Mandel combination discloses the elements of the claimed invention, but fails to explicitly disclose the modules are interchangeable in varies parts of the refrigerator to allow a consumer to design the layout of the refrigerator.

Baker et al. teaches modular storage drawer assembly for use in a refrigerator having the modules are interchangeable in varies parts of the refrigerator to allow a consumer to design the layout of the refrigerator (See column 2, lines 27-30, which discusses the movable shelves or bins 15 on the inside of the door as shown in FIG. 1, which provide for storing additional items).

Therefore, it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to modify the system of the Ishikawa et al., Sakaguchi, and Mandel combination to include the modules are interchangeable in various parts of the refrigerator to allow a consumer to design the layout of the refrigerator as taught by Baker et al. in order to accommodate the changing storage needs of consumers or the changing bulk size purchases of the consumers.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Smith, Mark S. et al. (US 5995942) discloses a store-level marketing system

Okamoto, Takehisa (US 20020029575) discloses a remote inspection and control of refrigerator.

Fabian, Willa et al. (US 6735479) discloses a lifestyle management system.

Sharood, John N. et al. (US 20020000092) discloses a refrigeration monitor unit

Rhoads, Geoffrey B. et al. (US 6947571) discloses cell phones with optical capabilities, and related applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Monday through Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/  
Primary Examiner, Art Unit 3627

January 4, 2008

rmh